



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

**Case No. NCCA-6-2015-13**

**Re:** Cease and Desist Order issued against the “Fencing and Improvement of the City Hall Grounds” project of the City Government of Baguio.

## ORDER

When the case was called for hearing, Atty. Ahmed Paglinawan appeared as counsel for petitioners and Cultural Prosecutor while Atty. Melchor Rabanes and Atty. Jordan R. Galimba entered their appearance as counsels for respondent City Government of Baguio.

Counsel for respondent manifested that while respondent City Government of Baguio has filed its *Motion to Lift Cease and Desist Order*, it nevertheless requests to be granted five (5) days within which to submit and file an amended Motion to incorporate other arguments and submissions not otherwise included therein. Counsel for petitioners and Cultural Prosecutor interposed no objection thereto, but requested for a period of fifteen (15) days within which to submit his Comment to any amended Motion that may be filed by respondent.

Finding merit in respondent’s motion, the Tribunal granted the same and, in addition, resolved, pursuant to the parties’ agreement, to:

1. ORDER the Secretariat to post at the Commission’s website and its Bulletin Board located at the Lobby of the NCCA Building a copy of petitioners’ Petition no later than 29 June 2015;
2. INVITE any interested party to file Comment/Opposition to the Petition within a non-extendible period of fifteen (15) days from its posting, otherwise their right to file such Comment/Opposition shall be deemed waived;
3. ORDER the Secretariat to post upon receipt thereof the amended Motion to be filed by respondent, also at the Commission’s website and its Bulletin Board located at the Lobby of the NCCA;
4. Within a similar period of fifteen days from posting of respondent’s Amended Motion, INVITE any interested party to file Comment/Opposition thereto, otherwise the right of such interested party to file Comment/Opposition shall be deemed waived; and
5. GRANT respondent’s counsel fifteen (15) days from the date of hearing which is also its receipt of petitioners’ petition within which to file its Comment/Opposition thereto.

The Tribunal likewise directed the parties to furnish the other copies of any pleading, document or paper that it will file or submit to the Tribunal.

Upon motion of counsel for petitioners and Cultural Prosecutor, the Tribunal likewise reserved, at the proper time, the consolidation of the Petition as well as respondent’s Amended Motion.

During the hearing, both parties likewise moved to be allowed time to present their preliminary submissions and arguments which the Tribunal granted. Questions were posed by the Tribunal in respect of these presentations. Thereafter, the Tribunal:

1. **REQUIRED** the parties to submit electronic or data copies of their presentation; and
2. **DIRECTED** respondent to **DISCUSS** in its Amended Motion the components of the project subject of this case, specifying: (a) why such component/components, if any, should not be subject of the Cease and Desist Order; and (b) which component/components of the project may be the subject of settlement amongst the parties; and **INCORPORATE** or **APPEND** in its amended motions plans and other relevant documents with respect to the project.

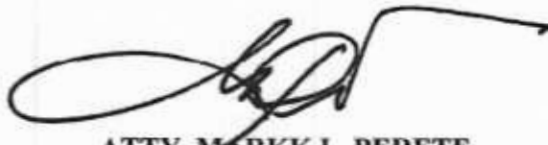
Furthermore, counsel for respondent manifested before the Tribunal the issuance of the National Historical Commission of the Philippines a letter which allegedly interposed no objection to the project. Thereupon, counsel for petitioners and Cultural Prosecutor moved that the Tribunal issue an order directing respondent to desist from acting upon any supposed paper or document issued by any agency other than the Commission. However, noting that such an order will merely duplicate the function of the Cease and Desist Order already issued by the Commission which is in force and effect, the Tribunal denied the motion.

Also, the Tribunal ordered temporarily ordered stricken from the records manifestations made in the course of the hearing which do not bear upon the issues of the case, subject to showing by the counsel for petitioners and Cultural Prosecutor that the same are material and relevant to the matter of which the Commission is called upon to decide.

Finally, upon agreement of the parties, the Tribunal set the First Preliminary Conference of the case on the 14<sup>th</sup> of July 2015 at two o'clock (2:00) in the afternoon.

**SO ORDERED.**

23 June 2015



**ATTY. MARKK L. PERETE**  
Hearing Officer

Copy furnished:

1. **ATTY. AHMED PAGLINAWAN**  
Cultural Prosecutor
2. **ATTY. MELCHOR CARLOS RABANES**  
Counsel for Respondent  
City Legal Office  
City Hall, Baguio City
3. **THE SECRETARIAT**  
National Commission for Culture and the Arts  
3-B, 633 Gen. Luna St., Intramuros Manila
4. **RONALDO A. PARAAN, M.D.**  
Chairman  
Baguio Heritage Foundation, Inc.  
Baguio Convention Centre, Baguio City

Republic of the Philippines  
National Commission on Culture and the Arts  
633 General Luna Street  
Intramuros, Manila

**IN THE MATTER OF THE**

**THE MELVIN JONES GRANDSTAND  
PART AND PARCEL OF BURNHAM PARK  
DECLARED A SITE OF NATIONAL HISTORICAL  
SIGNIFICANCE BY THE NATIONAL HISTORICAL  
COMMISSION OF THE PHILIPPINES ON  
APRIL 17, 2015 (MARKER IN PROCESS)**

BAGUIO HERITAGE FOUNDATION, INC.  
Petitioner

Case No. \_\_\_\_\_

- Versus -

Honorable Mayor Mauricio G. Domogan  
and Honorable Members of the  
Sangguniang Panlungsod of Baguio City,  
all City Department Heads involved  
in the planning of the Proposed Baguio  
Multi-Level Parking Complex at Melvin  
Jones Grand Stand, Burnham Park, WYC  
Arkitekture & Design, & CW Developments Inc.,  
Designers and Developers of Parkwise.

Respondents

X \_\_\_\_\_ x

**PETITION**

(FOR THE ISSUANCE OF A CEASE AND DESIST ORDER)

The Baguio Heritage Foundation, Inc., a non-profit, non-stock corporation registered with the Securities and Exchange Commission, with office address at Baguio Convention Center, Baguio City, through its Chairman, Ronaldo A. Paraan, M.D., before

this Honorable Commission, most respectfully files this petition and avers that:

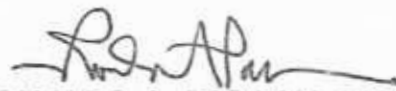
1. Sometime in 2014 The Baguio Heritage Foundation Inc. (BHFI for brevity) learned that Baguio City Mayor Mauricio Domogan was approached by an Australian parking developer known as CW Developments Inc. to develop portions of Melvin Jones Grandstand into two multi-level parking complex;
2. Also in 2014, trustees of BHFI were invited by representatives of CW Developments Inc. to a presentation of the project. Attendees from BHFI were Bishop Carlito Cenzon, Julie Cabato, M.D., Victorino Agcaoili, Monin Navarro and the undersigned. After the presentation, BHFI trustees voiced their concern and objection to the project for reasons that Melvin Jones, aside from being the only open area left in the central business district, is also the largest aquifer in Baguio City and a carbon sink that helps alleviate the poor air quality in that area;
3. On June 2, 2014, BHFI wrote to Chair Ma. Serena Diokno informing her of the impending project. Chair Diokno replied that she wrote Mayor Domogan asking for plans in order to evaluate the project;
4. As far back as 2009, BHFI requested the National Historical Commission of the Philippines to declare Burnham Park and its 12 clusters as a heritage site and has provided NHCP with enough documentation to prove that Burnham Park is indeed a heritage site as it was part of Daniel H. Burnham's plan for Baguio back in 1909;
5. On April 17, 2015, BHFI received a letter from NHCP Executive Director Ludovico D. Badoy, informing that Burnham Park has been recognized as a site of historical significance; wordings for the marker was attached to the letter;
6. On April 22, 2015, BHFI learned that another Feasibility Study was submitted by CW Development, Inc. dated April 21, 2015 and received by the Mayor's office on April 22, 2015;
7. The BHFI is therefore left with no option but to petition this Honorable Commission to issue a Cease and Desist Order, directing the City Government through its Honorable Mayor, CW Development Inc. to stop the planning of a multi-level parking complex at Melvin Jones Grandstand and for the Honorable Commission to elevate the declaration of Burnham Park from a

site of historical significance to a higher level so as to prevent its future destruction.

WHEREFORE, it is most respectfully prayed that after due notice and investigation, this Honorable Commission issue a CEASE AND DESIST ORDER in order to prevent the planning and eventual construction of a multi-level parking complex at Melvin Jones Grandstand and to elevate the declaration of Burnham Park from a site of historical significance to a level that would protect its future destruction.

Other reliefs, just and equitable under the premises are likewise prayed for.

Baguio City, Philippines.  
14 May 2015



**RONALDO A. PARAAN, M.D.**  
Chair, Baguio Heritage Foundation, Inc.



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

RE: **CEASE AND DESIST ORDER**

03 June 2015

**THE CITY GOVERNMENT OF BAGUIO**

Baguio City Hall  
Baguio City

Attention: **HON. MAURICIO G. DOMOGAN**  
City Mayor  
Baguio City

**WHEREAS**, the Baguio City Hall is a built heritage/marked structure classified as a considered/presumed Important Cultural Property (PICP), pursuant to Section 5(e) of Republic Act No. 10066, otherwise known as the National Cultural Heritage Act of 2009, and categorized as Grade III Cultural Property pursuant to Section 7.1 of the Implementing Rules and Regulations of RA 10066;

**WHEREAS**, Sections 3(b) of RA 10086, or the National Historical Commission of the Philippines (NHCP) Law, and Sections 3(e) of RA 10066 distinguish declared historical structures/sites from marked structures/sites;

**WHEREAS**, as a built heritage under Section 3(f) of RA 10066, the historical and cultural significance of the Baguio City Hall, resides in its immediate structure (government building) and its settings and landscapes;

**WHEREAS**, as a PICP, the Baguio City Hall is protected against modification or demolition, pursuant to Section 5 of RA 10066;

**WHEREAS**, as confirmed by this Commission, currently on-going within the Baguio City Hall Complex is a Baguio City Government-implemented project, titled "Improvement of Baguio City Hall Grounds", which is inclusive of the construction of an enclosure fence and other infrastructures within and around the visible perimeter of the site;

**WHEREAS**, Section 48(b) of RA 10066 states that the modification, alteration, or destruction of the original features of, or undertakes construction of real estate development in any national shrine, monument, landmark, and other historic edifices and structures declared, classified, and marked by the NHCP, inclusive of their designated security or buffer

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**NATIONAL COMMISSION FOR CULTURE AND THE ARTS**

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PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

zones extending five meters from the visible perimeter of the monument or site, is not allowed without the prior written permission of the NCCA;

**WHEREAS**, it is the duty of this Commission, under NCCA Board Resolution No. 2014-443 and 2014-448, and on the recommendation after complete staff work by the NCCA Secretariat, to act on cases involving PICPs which include built heritage/marked structures;

**THEREFORE**, by virtue of the power granted by law, the National Commission for Culture and the Arts, through the undersigned, directs the City Government of Baguio, through Mayor Mauricio G. Domogan, to immediately **CEASE AND DESIST** from implementing the Improvement of Baguio City Hall Grounds Project, inclusive of the construction of an enclosure fence and other infrastructures within and around the visible perimeter of the site of the built heritage/PICP in the absence of project plans and designs approved by the NHCP and of a written permission from the NCCA to carry out the said project.

**FAILURE TO COMPLY** with this Order may constitute a criminal offense under RA 10066 and/or administrative offense under pertinent laws.

This Order may be served and executed by any Law Enforcement Officer/s.

FELIPE M. DE LEON, JR.

Chairman

*Copy furnished:*

THE SANGGUNIANG PANLUNGSOD, Baguio City, Through VICE MAYOR DANIEL T. FARIÑAS  
DR. MARIA SERENA I. DIOKNO, NHCP Chair  
BAGUIO CITY HERITAGE FOUNDATION, INC., Baguio Convention Center, Baguio City  
MR. PETER D. PUZON, 68 Naguilian Road, Baguio City  
HON. MICHAEL G. AGUINALDO, Chairman, Commission on Audit, Republic of the Philippines  
PSSUPT NOEL P. ARMILLA, Police Regional Office-ARMM Director  
REV. FR. HAROLD LI. RENTORIA, O.S.A., NCCA Commissioner for Cultural Heritage

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